

JOSEPH P. RUSSONIELLO (CABN 44332)  
United States Attorney  
Attorney for Plaintiff

**FILED**

2008 MAY 29 P 3:33

**E-FILING**

RICHARD W. WIEKING  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CA. S.J.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

**RMW**

UNITED STATES OF AMERICA,  
Plaintiff,

v.

GARY JAMES ROLLER,  
Defendant.

**CR -08 00361**

VIOLATION:

18 U.S.C. § 2252(a)(4)(B) - Possession of  
Visual Depictions of Minors Engaged in  
Sexually Explicit Conduct; 18 U.S.C.  
§§ 2253(a)(1) and (a)(3)- Criminal  
Forfeiture

**RS**

INFORMATION

The United States Attorney charges:

On or about December 5, 2007, in the Northern District of California, the defendant,  
GARY JAMES ROLLER,  
did knowingly and intentionally possess certain matter, to wit, images, which visual depictions  
had been mailed and transported in interstate or foreign commerce by any means, including by  
computer, the producing of which visual depictions involved the use of one and more minors  
engaging in sexually explicit conduct and which visual depictions were of such conduct, in  
violation of Title 18, United States Code, Section 2252(a)(4)(B).

FORFEITURE ALLEGATIONS: (18 U.S.C. §§ 2253(a)(1) and (a)(3) - Criminal Forfeiture)

The allegations contained in Count One of this Indictment are hereby realleged and by

INDICTMENT  
U.S. v. ROLLER

1 this reference fully incorporated herein for the purpose of alleging forfeiture pursuant to Title 18,  
2 United States Code, Section 2253.

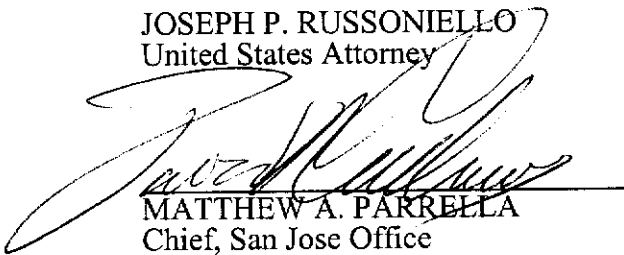
3 Upon conviction of the offenses alleged in Count One above, the defendant,

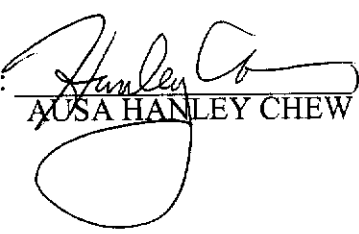
4 GARY JAMES ROLLER,

5 shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 2253(a)(1)  
6 and (a)(3), all visual depictions described in Title 18, United States Code, Section 2252, and all  
7 property, real or personal, used or intended to be used to commit or promote the commission of  
8 the offenses of conviction, including but not limited to a Sony Vaio notebook computer (serial  
9 number 3000047), an IBM laptop computer (serial number 78-X4272), a Phillips desktop  
10 computer (no visible serial number), a CAC design station (no visible serial number), a Seagate  
11 hard drive (serial number SLS1WADC), and the memory cards, floppy disks, zip disks, compact  
12 disks, videotape and magazines, seized from the defendant's residence on or about December 5,  
13 2007.

14  
15 Dated: May 29, 2008

16 JOSEPH P. RUSSONIELLO  
17 United States Attorney

18   
19 MATTHEW A. PARRELLA  
20 Chief, San Jose Office

21 (Approved as to form:   
22 AUSA HANLEY CHEW  
23  
24  
25  
26  
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AO 257 (Rev. 6/78)

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**BY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT  
☐ SUPERSEDING**OFFENSE CHARGED**18 U.S.C. 2252(a)(4)(B) - Possession of Visual  
Depiction of Minor Engaged in Sexually  
Explicit Conduct  
18 U.S.C. 2253(a)(1) and (a)(3) - Criminal  
Forfeiture☐ Petty  
☐ Minor  
☐ Misdemeanor  
☒ Felony**PENALTY:**10 years  
\$250,000 fine  
Life time supervised release (5 year mandatory minimum)  
\$100 mandatory special assessment**E-FILING****PROCEEDING**Name of Complainant Agency, or Person (& Title, if any)  
ICE Special Agent Lou Strickland☐ person is awaiting trial in another Federal or State  
Court, give name of court☐ this person/proceeding is transferred from another  
district per (circle one) FRCrP 20, 21 or 40. Show  
District☐ this is a reprosecution of  
charges previously dismissed  
which were dismissed on  
motion of:☐ U.S. Att'y ☐ Defense☐ this prosecution relates to a  
pending case involving this same  
defendant☐ prior proceedings or appearance(s)  
before U.S. Magistrate regarding  
this defendant were recorded underSHOW  
DOCKET NO.MAGISTRATE  
CASE NO.Name and Office of Person  
Furnishing Information on  
THIS FORM

Joseph P. Russoniello

☒ U.S. Att'y ☐ Other U.S. AgencyName of Asst. U.S. Att'y  
(if assigned)

Hanley Chew

Name of District Court, Trial or Judge/Magistrate Location  
NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT: U.S.

RICHARD W. WIEKING  
GARY JAMES ROLLER  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**RMW****CR - 08 00361****DEFENDANT****IS NOT IN CUSTODY**

- 1) ☒ Has not been arrested, pending outcome this proceeding.  
If not detained give date any prior summons  
was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

**IS IN CUSTODY**

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges } ☐ Fed'l ☐ State
- If answer to (6) is "Yes", show name of institution

Has detainer  
been filed? ☐ Yes ☐ NoIf "Yes"  
give date  
filed**DATE OF  
ARREST**

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

Month/Day/Year

**DATE TRANSFERRED  
TO U.S. CUSTODY**☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☒ SUMMONS ☐ NO PROCESS\*☐ WARRANT Bail Amount: \_\_\_\_\_

If Summons, complete following:

☒ Arraignment ☒ Initial Appearance

Defendant Address:

Gary James Roller c/o Richard Pointer, Esq.  
12007 W Hedding St #100  
San Jose, CA, 95128\*Where defendant previously apprehended on complaint, no new summons  
or warrant needed, since Magistrate has scheduled arraignment

Date/Time: July 17, 2008/9:30 a.m.

Before Judge: Howard R. Lloyd

Comments: \_\_\_\_\_